

COMMONWEALTH OF KENTUCKY
KENTUCKY ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
OFFICE OF FINANCIAL INSTITUTIONS
Case Number 2005-AH-009

In The Matter Of:

The Office Of Financial Institutions Of The Commonwealth Of Kentucky PETITIONER

vs.

Stan Napper (Individually)
Director
3556 Oaklane Drive
Philpot, Kentucky 42366

Clear Creek Oil and Gas, Inc. (a Tennessee Corporation)
303 Oakley Drive
P.O. Box 907
Crossville, Tennessee 38557

and

Clear Creek Oil & Gas, Inc. (a Nevada Corporation)
6371 Richmond Ave., Suite 200
Houston, Texas 77024

W. Scott Thompson (Individually)
President/Director
6371 Richmond Ave., Suite 200
Houston, Texas 77024

W. A. Silvey, Jr. (Individually)
6371 Richmond Ave., Suite 200
Houston, Texas 77024

RESPONDENTS

NOTICE AND ORDER OF HEARING

The Respondents, Stan Napper (Individually), Clear Creek Oil and Gas, Inc. (a Tennessee Corporation), Clear Creek Oil & Gas, Inc. (a Nevada Corporation), W. Scott Thompson (Individually), and W. A. Silvey, Jr. (Individually), shall take Notice that pursuant to KRS 292.470(3) in conjunction with KRS Chapter 13B, and all other applicable law, it is hereby

ORDERED that a formal hearing will be held at the Office of Financial Institutions, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, to adjudicate all matters herein.

Steve Blanton, Kentucky Environmental and Public Protection Cabinet, Office of Administrative Hearings, 35-36 Fountain Place, Frankfort, Kentucky 40601, (502) 564-7312, Facsimile (502) 564-4973, is hereby appointed as Hearing Officer in this matter to henceforth preside over all phases of the hearing, including but not limited to all prehearing matters, and to manage all aspects of the hearing. The Hearing Officer shall establish a timetable for events required or made necessary during these proceedings, including but not limited to telephonic prehearing conferences, and shall enforce the timetable. The Hearing Officer shall make such rulings and findings and issue such Orders as may be found necessary and convenient to the administration of these proceedings. The hearing date shall be set by Order of the aforesaid Hearing Officer at a date and time to be decided by the Hearing Officer. Posthearing matters arising prior to the time the Hearing Officer returns this matter back to the Executive Director for the agency's final decision shall be disposed of by ruling of the Hearing Officer. The Hearing Officer shall have complete discretion in administering these proceedings, subject to requirements of the law, and shall continue to perform all duties required of a hearing officer under KRS Chapter 13B until the conclusion of this matter.

The Office of Financial Institutions shall be represented by William E. Doyle, Counsel, Environmental and Public Protection Cabinet, Office of Legal Services, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Telephone (502) 573-3390, Facsimile (502) 573-2183.

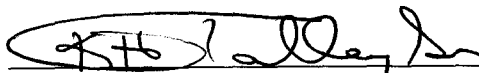
The Respondents have the right to be represented at the hearing by legal counsel. The Petitioner has the right to cross-examine witnesses, to introduce witnesses on its behalf, and to have subpoenas issued for the presence of its witnesses.

Pursuant to KRS 13B.050(3)(g), the Petitioner has the right to examine a list of witnesses the Office of Financial Institutions plans to call at the hearing, any evidence that will be introduced at the hearing, and any exculpatory information in the possession of the Office. The Office of Financial Institutions will provide this information at least five (5) days prior to the hearing upon written request of the applicant.

The Respondents are required to file the original of all answers, motions, discovery requests, and other documents relating to this hearing with the Office of Financial Institutions. A copy should be sent to the Hearing Officer.

If the Respondents fail to attend or participate as required at any stage of the administrative hearing process, the Respondent may be held in default pursuant to KRS 13B.050(3)(h).

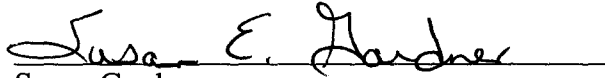
SO ORDERED this the 11th day of August, 2005.



Keith H Talley Sr, Deputy Executive Director
Kentucky Office of Financial Institutions

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing Notice and Order was sent by Messenger Mail to Steve Blanton, Kentucky Environmental and Public Protection Cabinet, Office of Administrative Hearings, 35-36 Fountain Place, Frankfort, Kentucky 40601, and by certified mail, postage prepaid, to Hunter Durham, Esq., 130 Public Square, P.O. Box 100, Columbia, Kentucky 42728-0100, on this the 12th day of August, 2005.

A handwritten signature in cursive script, reading "Susan E. Gardner", is written over a horizontal line.

Susan Gardner
Kentucky Office of Financial Institutions